

THEY TAKE ACTION

Delegates Discuss Phases of Arkansas River Matter.

COMMITTEES ARE FORMED

To Bring Question Before the State Authorities.

What is known as the Arkansas River Improvement association met here yesterday at the city hall and passed resolutions requesting Governor Stanley and Attorney General Godard to begin proceedings in the United States supreme court against the state of Colorado and the citizens to prevent the diversion of the water in the Arkansas river from its regular and natural course. A further resolution requests the state legislature to take such steps as it may think necessary, right and proper to protect the interests of the state and people of Kansas. A committee appointed for that purpose will go to Topeka next Tuesday.

The organization is composed of riparian owners in the Arkansas valley. The convention is the result of a bill now pending in congress asking for a large appropriation from the government for the construction of storage reservoirs in eastern and south central Colorado, into which it is proposed to turn the waters of the Arkansas river, the waters to be used for irrigation purposes in that state. It is alleged that the Colorado ditch companies have for several years past wrongfully diverted the waters of the Arkansas for the benefit of their own lands to the injury of the riparian owner in Kansas.

Because of the importance of the matter the convention was of more than mere state importance. It is the present time of national interest. The sovereign rights of states are in question, and the supreme court of the land will be called upon to decide just how far a sovereign state has the right to sovereignty.

The contention of the Kansas farmer is that the project of the Colorado farmer is his adversity. The Kansas farmer is the continuance of the diversion of the water upon which the fertility of the Colorado farmer's soil depends and its diversion means a partial destruction of agricultural production in the valley, which has been proverbially fertile while watered by the natural flow of the river.

The convention, which was attended by about fifty delegates, was called to order by Judge S. S. Ashbaugh. It then elected temporary chairman, with Frank J. Tins of the same city as temporary secretary.

After preliminary business arranged, Judge Ashbaugh stated the purpose of the meeting. He reviewed the organization at some length, and said that it really had its origin with Silas Rutledge, who, along in the summer of 1897, began to complain that the water of the Arkansas river was taken by the ditch companies of Colorado to such an extent that it had ceased the productivity of his own and the land of other farmers in his vicinity. Mr. Rutledge petitioned the services of Attorney J. D. Harrison and at his own expense instructed him to go to Colorado and make an investigation of the conditions existing there. The residents of the Arkansas valley in this section began an interest in the matter of the diversion, so much so that in February, 1898, a mass meeting was held at the court house in this city which the county commissioners attended. At this meeting a committee was appointed to consider whether or not land owners along the Arkansas river were being deprived of any rights or property by the diversion of the water from its natural course. Meanwhile, Mr. Ashbaugh had been sent by the county commissioners to Arkansas to investigate the loss of the water in the river through that state. Later he was sent to Washington for the purpose of placing the matter in the proper light before the United States attorney general. This was in January, 1899.

The attorney general advised that a petition be drafted and signed by the residents along the river, back setting forth the latter down to the river as a navigable stream. This petition was to be presented to him as soon as possible. But as Judge Ashbaugh put it, "everybody's business is nobody's business," and outside of the state of Kansas.

Following this the petition was referred to was held, and the committee appointed to consider the various questions brought before the meeting composed of E. B. Jewett, chairman; Silas Rutledge, James H. Meade, W. J. Tins and Walter H. Graves.

This committee made its report at another mass meeting held at the court house in October of the same year. The report of this committee consisted of legal arguments in favor of the rights of the Kansas farmer to the use of the water of the Arkansas river. Its principal argument was based upon an extended statement on riparian rights taken from Kent's Commentaries on the Common Law, which is substantiated in as follows:

Every proprietor of lands on the banks of a river has a natural and exclusive right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run without diminution or alteration. No proprietor has the right to use the water to the prejudice of other proprietors above or below him, unless he has a prior right to divert it as a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Though he may use the water while it runs over his land, he cannot permanently detain it or give it another diversion and he must return it to its ordinary channel when it leaves his estate.

When the water is used in such a manner as to cause a diversion or distribution of the quantity of the water which would otherwise descend to the proprietor below, the water is taken back upon the proprietor's land, and a stream of an undiminished quantity of water is sent to the proprietor below. This is the clear and settled doctrine on the subject and all the difficulty which arises consists in the application. Mr. Ashbaugh then concluded that the necessity of one man or a few men diverting the water from the natural course of the river to the benefit of another's property without compensation and without compensation.

floor. He said that it was the boat of the Colorado ditch companies that they will take drop of water from the Arkansas river and divert it to their own use regardless of the injuries it may cause the Kansas farmer or any other riparian owner along the Arkansas. Both sides he said had good points for argument. He said that it has been urged in the support of the diversion of the water by Colorado ditch builders that as the water falls in that state and is melted by the sun of that state, the people of the state have the right to it to the exclusion of the people living further down the stream in another state. "This," he said, "is not good law nor consistent with the principles of justice which is the foundation of law. The rivers shall flow as God made them to flow, except so much of the water as must be utilized for domestic purposes," was his statement.

He then declared that the taking of a water course from one state by another is an act of war. "Suppose," he said, "some one of these small principalities in Europe should undertake to stop the course of a stream passing through its territory to the exclusion of another principally below it, how long do you think it would take for the latter to declare war upon the former? The question involved in this matter are very grave ones and must be decided by the supreme bench of this country, which you may rest assured will render a just and impartial verdict. One of the most important questions that presents itself is one as to the sovereignty of the state. How far is a sovereign state a sovereign? Another, has the state the same right as the individual? I am of the opinion that the state should bring a suit against the state of Colorado to prevent the usurpation of the water of the Arkansas river. Another suit should be brought by some individual against the state, and still another should be brought by some individual against the state in the river against some Colorado individual who is diverting the water of the stream." Mr. Ware contended that it would be just as easy matter to bring three suits as a court at the same time as it is to bring one. He stated that if the court decided against the contestants in one action it might prove favorable in another.

"If the state of Kansas brought a suit against the state of Colorado, the supreme court might hold that the damage done to it of an individual character and one in which the state as a sovereign was not concerned. Unless some other suit has been presented to the court on the same question, but in a different manner, it will only tend to delay proceedings." Mr. Ware concluded his remarks with the assurance that the governor and the attorney general will be at the service of the association to take such steps as the convention might desire or advise.

James H. Meade, at the conclusion of Mr. Ware's remarks, moved that a committee be appointed to go to Topeka and consult with Governor Stanley, the attorney general and the legislature.

Mr. Ware: "If this body orders the governor and the attorney general to proceed they will do so at once. Whatever cost may be incurred may be taken out of the contingent fund allowed these officials by the legislature. I am afraid that if this matter is referred to the legislature it will be referred to the ways and means committee for action and because of the large amount of accumulated business now before that body it may not be able to take up the matter."

Charles G. Cohn then suggested that the towns along the river be requested to make a contribution, which would be returned by the legislature at some future date.

Judge Jewett pressed his original motion and it was carried by a unanimous vote.

A. J. Hunt of Arkansas City moved that a committee of ten be appointed by the chair.

This motion was changed to permit the appointment of a number not to exceed twenty delegates.

The chair then appointed the following delegates: Silas Rutledge, E. B. Jewett, Wm. Mathewson, Silas Rutledge, J. E. Howard, R. H. Campbell, S. S. Ashbaugh, Arkansas City, A. J. Hunt, Howard Ross, C. H. Searing, W. H. Nelson, F. M. Harding, J. W. Selver, Harvey County; G. W. Harris, Reno county; P. H. Albright, Ford county; John J. Summerville, Ford county; A. D. Vertick, Gray county; W. Scott, Larned; W. H. Barnes, E. P. Ware, Topeka; E. R. Meade, Barton county; C. D. Vincent, Gray county; R. E. Edwards, Edwards county.

Upon motion of Judge Ashbaugh, which met with unanimous concurrence, the above named committee will meet in Topeka next Tuesday to take up the various questions connected with the proper authorities now in that city.

lands in said valley within the state of Kansas are deprived of their rights to the flow and use of said waters in the bed of said river and the said underflow of said river, and are for that reason greatly and irreparably damaged.

Resolved, That the legislature be requested to take such steps as may seem wise and necessary to protect the rights and interests of the state of Kansas and the citizens thereof;

Resolved further, That the governor and attorney general be requested bringing such suit or suits as will secure a speedy determination in the courts of the legal rights claimed by this state.

The convention then adjourned subject to the call of the chair.

The following delegates were present: Frank J. Hess, J. S. Mowatt, W. H. Nelson, S. J. Gilbert, G. L. Brown, Forrest Hartley, E. Kirkpatrick, B. A. Maxey, C. H. Searing, A. J. Hunt, Albert Denton, Earl Underwood, T. W. Eckert, W. J. Pollock, A. W. Brown, Howard Ross, Arkansas City; A. S. Vaughan, Hutchinson; William Scott, Larned; Wm. H. Barnes, E. P. Ware, Topeka; J. R. Meade, city; J. W. Burton, W. C. Baker, J. H. Ellen, G. W. Harris, J. M. Pugh, Burlington; C. E. Sullivan, Haven; D. J. Davis, Reno county; W. H. Graves, J. T. Giles, Wm. Mathewson, B. H. Campbell, E. B. Jewett, Chas. G. Cohn, S. S. Ashbaugh, J. E. Howard, city; P. H. Albright, Winfield.

In Olden Times people overlooked the importance of permanently beneficial effects and were satisfied with transient action; but now that it is generally known that Syrup of Figs will permanently overcome habitual constipation, well-informed people will not buy other laxatives, which act for a time, but finally injure the system. Buy the genuine, made by the California Fig Syrup Co.

CHAUTAUQUA MEMBERS MEET Various Circles Preparing Programs for Next Week.

The Peetles C. L. C. E. will meet at the Emporia avenue M. E. Church Saturday at 7:30 p. m. The following is the program:

Roll call, answered by Biblical quotations referring to Solomon, Samaria, Jered, Carmel or Nazareth and other places in Galilee, with explanations.

The Rivalry of Nations, chapter 1, Miss Wilkie.

Homer to Theocritus, chapter 4, Dr. A. D. Jones.

Character Study: Charles G. Gordon, Miss Lynes.

Reading: Tennyson's "Ulysses." Mrs. Dr. Jones.

Reading: Journey in the Orient, Maude McKibben.

Study of the Odyssey, Elizabeth Stahl, WILL V. BURNS, Leader.

ST. PAUL'S CHAUTAUQUA CIRCLE. Meets Tuesday evening, January 25, at the residence of Dr. and Mrs. J. G. Dorsey. Program is as follows: Greek History, Mrs. Schofield.

Paper: The Indian Mutiny, Miss Alice Jones.

PROVES A SUCCESS

Pet Stock Show Draws Large Crowds.

IT CLOSSES TOMORROW

Carrier Pigeon Race a Feature of Yesterday.

The third day of the Wichita pet stock show brought out the largest crowds of the entire week. The consensus of opinion of those who attended is that it is the best show of its kind ever seen in the west. There are many varieties of pets, and each cage has an attraction that pleases.

Yesterday morning a number of carrier pigeons were liberated from the top of the Eagle office for a race to Sterling. The occurrence attracted much attention. As soon as they were turned loose the little birds took their bearings and immediately started off for Sterling. An hour and twenty minutes later a telegram was received that they had reached Sterling, and that is the record for the distance. The birds were displayed at the show previous to the race, and each one was carefully looked over and commented upon by the crowd.

Last night the ferrets were used again in the rat killing contest. The room in the rear of the show room is used for this event and the rats are placed in a cage and the ferrets placed in with them. It is marvelous to see the tenacity with which the rats fight their opponents and how quick the ferrets dispose of the rats. Many people have seen nothing of the kind and all of the contents of the room were crowded with people. The performance will be repeated tonight and also tomorrow night. A large number of rats will be secured and people will have ample opportunity to see the ferrets work. In fact many people have never seen ferrets. The little animals are peculiar, and to see them in one wonders where such an animal is secured.

The ocelots still prove to be an attraction. There is no question but what these animals are rare. Mr. Charles Payne stated to a reporter for the Eagle: "People will wish that they had visited this show and seen the ocelots after it is closed. It is safe to say that very few people in this city ever saw these animals. They are very rare and to my knowledge only one ocelot, a very small one at that, was ever exhibited. These animals were secured by a trapper, one of the real trappers. He found fifteen of them and I secured twelve. Six of these are sold and I have orders for the others. They are rare specimens and there is no question about that part of it."

Today and tomorrow will be the last days of the show and many Wichita people will take advantage of these two days to visit the show on North Main street. Everything will be kept there until late Saturday night in order that the Saturday night shoppers will have a chance to visit the show.

The Belgian hare department is a source of interest to fanciers. Mr. Savage, the judge who made the awards, stated yesterday that Wichita had some of the finest Belgian hares that he had ever seen, and this report is encouraging to the breeders. The Wichita Belgian hare company has a large exhibit and secured many of the awards. There are probably more pigeons than anything else an exhibition, many hundreds of birds being in the room. Some of the birds score very high, and all of them have special merit.

Constitution leads to liver trouble, and torpid liver to Bright's Disease. Prickly Ash Bitters is a certain cure at any stage of the disorder.

MR. BASCOM'S FAMILY HERE. Rock Island Agent Moves Into Wichita.

The family of E. C. Bascom of the Rock Island, arrived in this city yesterday from Hutchinson and will make their home here. Mr. Bascom is the agent at this place succeeding Mr. E. Drake. Mr. Bascom was agent at Hutchinson for some time, and has been here and his family have lived in that city for that length of time.

RETURNS FROM MISSOURI. Gerald Volk Enthusiastic Over Kansas Weather.

Mr. Gerald Volk returned yesterday from Missouri and he is enthusiastic about Kansas. He stated yesterday that on his return trip that he saw many farmers plowing in the fields preparing for the spring planting. Mr. Volk says that he considers this a wonderful thing for the farmers to be plowing in January and says that it is all on account of the Italian climate of Kansas.

THEY DO NOT APPROVE. Kansas Legislators Give Opinions on Mrs. Nation's Method.

The members of the legislature at Topeka do not appear to be in sympathy with Mrs. Carrie Nation in her saloon wrecking tour of the state. All sorts of terms are used in speaking of her and almost all who have given their opinions on the matter condemn her. The following are the opinions of some of the men now at Topeka:

500,000 WOMEN

HAVE BEEN RESTORED TO HEALTH BY LYDIA E. PINKHAM'S VEGETABLE COMPOUND



Their letters are on file in Mrs. Pinkham's office, and prove this statement to be a fact, not a mere boast. Women must take into consideration this great and unequalled record.

Overshadowing, indeed, is the success of Mrs. Pinkham's medicine. Compared with it all other medicines for women are experiments.

Why has Lydia E. Pinkham's Vegetable Compound accomplished its widespread results for good?

Why has it lived and thrived and done its glorious work for a quarter of a century?

Simply and surely because of its sterling worth. The reason no other medicine has even approached its success is plainly and positively because there is no other medicine so good for woman's ills.

REMEMBER

These important facts when you ask for a bottle of Lydia E. Pinkham's Vegetable Compound at your druggist's: If the clerk asks you to take "something else," telling you that it is "just as good" or "much better"—to be better, it must have cured more than 500,000 women; to be as good, it must have cured as many as 500,000 women—let him produce his proof! Such a thing is impossible. The medicine he offers you is only an experiment. All he knows about it is that he can make a little more profit on it than he can on what you want.

Don't let druggists experiment on you. Demand the medicine that you know is all right, that has no equal, that backs all its statements with positive proof. When you know that no other medicine in the world exclusively for women has received such unqualified endorsement, it is wise to let a dealer persuade you to buy something else which he says is "just as good," and all you have in proof is his say-so?

Wise is the woman who insists upon having

Lydia E. Pinkham's Vegetable Compound

The friends of law cannot teach respect for law by the open and flagrant violation of law.

Frank Nelson, state superintendent of schools—I am not in sympathy with Mrs. Nation in her system of destroying joints. They should be closed up in a legal way.

Senator G. W. McKnight—Mrs. Nation is mistaken in what she can accomplish. She will have to succumb.

Senator Samuel Crum—She is without the pulse of the law and should be prosecuted.

Senator L. P. King—She is wrong, and if she don't look out they will get shut of her by sending her to the asylum.

Senator S. J. Stewart—I do not approve of Mrs. Nation's system.

Representative J. D. Sims—I don't like her system.

Senator George H. Fullerton—I allowed to go on it will bring about another Leavenworth scandal.

Senator George Guhrle—I am a poor man to help the cause of prohibition.

Lieutenant Governor H. R. Richter—Mrs. Nation is making Wichita joints a little trouble now, but not half as much as she is bringing down upon herself.

Representative W. H. Weiden of Clark—The violation of one law to right another cannot be upheld.

Representative M. C. Haller of Rush—I cannot endorse Mrs. Nation's method of dealing with the liquor traffic.

Representative J. K. Tuley of Chautauqua—I think Mrs. Nation is honest, but intemperate.

Representative Joseph Butler of Wyandotte—I think she ought to go to jail and stay six months.

Representative S. L. Fleen of Lane—I am not the way to deal with the liquor traffic.

If your stomach is disordered, bowels irregular, and you don't feel well, you need Prickly Ash Bitters. It is very effective in removing this condition.

CITY IN BRIEF.

Mr. Willis Davis, Valien Center's druggist, was in the city yesterday afternoon.

Miss Ora Morris and Miss Helen Smith returned yesterday after a very pleasant visit with friends in Sedgewick City.

Judge Wilson in the probate court yesterday issued marriage license to A. R. Murray and Susan Ramsey, both of this city.

Caroline Kratzer was granted a divorce from Howard G. Kratzer upon the charge of abandonment. They were married in April 1891, and have one child.

Mr. P. W. Bolter who has been at his home in Valley Center during the past two weeks recovering from grippe, returned to the city to resume his work yesterday.

Mr. J. H. Swearingen of Kansas City, member of the firm of Swearingen Iron Shutter Manufacturing company, is in the city on business with the Doid Packing company.

The seed to the property purchased by John R. Westworth from Edgar Budge, located to the University adding to the city, was sold yesterday. The consideration was \$100.

Dr. J. J. McKenna returned last night from Oklahoma City, where he had taken a young lady to be treated for the mumps. Dr. McKenna will be at the Manhattan hotel today.

Mr. M. B. Warden of Woodward, O. T., was in the city yesterday attending to some business of shaking hands with his old friends. Mr. Warden hoped to build the lumber from Emporia, Kansas, to build one of the first houses built in Wichita.

Representative J. M. Nadles of Neosho, a member of Mrs. Nation, the joint another—I haven't a word to say.

Senator Harry McMillan—Mrs. Nation is a dangerous crank to have around.

Major J. M. Redington of Miami—I am an executive method Mrs. Nation has adopted.

Representative N. P. White of Wilson—I am a broad remedy.

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